

**DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION**

Response to Comments

On the Proposed Amendments to Regulations .01 and .07 under COMAR 26.11.41 – Control of Methane from the Natural Gas Industry
Public Hearing Held in Baltimore, MD August 31, 2020

Purpose of Hearing: The purpose of the public hearing was to allow for public comment on the Maryland Department of the Environment’s (the Department or MDE) proposal regarding new Regulations .01 and .07 under COMAR 26.11.41 – Control of Methane from the Natural Gas Industry. The proposed action establishes requirements to reduce vented and fugitive emissions of methane from both new and existing natural gas facilities in the transmission and storage sector.

Date and Location: The public hearing was held virtually on August 31, 2020, at 10 a.m. GoToMeeting – Event Access Code: 316-465-965 - the Maryland Department of the Environment.

Attendance: 32 attendees: Lisa Nissley of MDE served as the hearing officer. Other MDE attendees were Randy Mosier, Joshua Shodeinde, Carolyn Jones, Eddie Durant, and Kimberlee Drake. The attendees are listed in Attachment A below, as they logged in to the GoToMeeting Hearing.

Statement: The Department's statement was read by Mr. Joshua Shodeinde, Regulatory and Compliance Engineer of the Regulations Development Division of the Air and Radiation Administration, Department of the Environment. A transcript of the meeting has been prepared by For the Record, Inc. White Plains MD.

Comments and Responses:

Comments were received from:

Richard Reis, Citizen

Hannah Nickerson, AstraZeneca

Ryan Maher, Environmental Integrity Project (EIP)

Anthony Field, Chesapeake Climate Action Network (CCAN), Action Fund

David McCabe, Clean Air Task Force

Collective Group of public commenters – 30 people

Environmental Integrity Project, Chesapeake Climate Action Network Action Fund, Clean Air Task Force, and Sierra Club joint comment

The Williams Companies, Inc.

Enbridge Inc.

Dominion Energy Services Inc.

A summary of the comments received and the Department’s responses to the comments are below.

REGULATORY PROPOSAL

Comment: Commenters support the proposed regulations in the sector and note that it is important to act immediately to reduce emissions and control carbon and carbon equivalents from entering the atmosphere. Commenter state molecule for molecule of methane is 20 to 80 times more the potential for heating the planet, which in turn will melt glacier's and substantially raise sea levels and leaking methane can cause serious health problems.

Response: MDE agrees that it is important to address methane emissions, especially in light of methane's contribution to climate change. In 2009, the Maryland General Assembly adopted the Greenhouse Gas Emission Reduction Act (GGRA). This law required that the State develop and implement a plan to reduce greenhouse gas emissions by 25 percent by 2020, compared to the 2006 baseline. In 2015, the Maryland Commission on Climate Change (MCCC) was codified into law to provide guidance on helping the State achieve greenhouse gas reductions while supporting a healthy economy and creating new jobs. The MCCC recommended to the Maryland General Assembly that several enhancements be made to the 2009 GGRA. In 2016, Governor Larry Hogan signed an updated version of the GGRA, establishing a new benchmark to reduce greenhouse gas emissions in Maryland by 40 percent by 2030. The estimated methane emission reduction from this regulation has the equivalent climate change mitigation benefit as reducing carbon dioxide emissions by 51,600-430,000 metric tons per year, using the 20-year global warming potential for methane.

MDE's mission is to protect and restore the environment for the health and wellbeing of all Marylanders. Working to mitigate and adapt to climate change are main components of this mission authorized by the GGRA. Marylanders are already witnessing firsthand the impacts of climate change, from more frequent, severe flooding that threatens the state's agricultural sector, to more powerful heat waves that put lives at risk. Maryland has made great progress on reducing air pollution and greenhouse gas emissions, and adapting to the potential consequences of climate change, while creating jobs and benefiting the economy. Comprehensive methane pollution regulation is a key part of making sure Maryland can continue to make progress and meet emission reduction goals. The proposed regulation will have a positive effect on public health and the environment. Short-lived climate pollutants (SLCPs) are harmful air pollutants and potent climate forcers with a much shorter lifespan in the atmosphere than carbon dioxide. Reducing emissions of methane will combat the adverse impacts of climate change in Maryland.

Comment: One commenter stated that MDE's proposed regulations position Maryland as a leader in the sector and other States should follow, and recommend adopting the regulations as proposed with future amendments. The commenter stated that MDE has already committed to amending this rule with a second round of rulemaking and should renew this commitment in the preamble to the final regulation. The commenter further states proposed rule is an important starting point for Maryland, especially in light of the EPA's recent rollback of the methane standards that apply to the oil and gas industry.

Response: The Department appreciates the support to adopt the regulations as proposed. Nonetheless, Department is committed to evaluating and considering future amendments to the regulations based on the availability of cost-effective solutions, actions taken by similar state and federal programs, and information obtained in reports submitted by affected sources.

The Department agrees that these regulations are important considering EPA's recent rollbacks of the methane standards that apply to the oil and gas industry. The Department commented and documented opposition to the EPA's proposed rules in letters on December 17, 2018 (federal register docket ID EPA-HQ-OAR-2017-0483) and on November 25, 2019 (federal register docket ID EPA-HQ-OAR-2017-0757).

DEFINITIONS

Comment: One commenter requested clarification on what is meant by the term “pressure seal leakage” within the definition of the definition of “blowdowns”.

Response: The use of the word “pressure” in this definition was an administrative error; instead, the definition of “blowdown” was intended to use the term “compressor seal” as defined in Regulation .01B(26):

“Reciprocating natural gas compressor seal” means any device or mechanism used to limit the amount of natural gas that leaks from a compression cylinder into the atmosphere.

The Department will amend the definition of “blowdown” in Regulation .01(B)(3)(b) in a non-substantive change with final adoption, to read as follows:

“Blowdown” does not include natural gas pneumatics emissions, fugitive components emissions, or compressor ~~pressure~~ seal leakage.

This amendment is consistent with the intent of the regulation.

LEAK DETECTION AND REPAIR

Comment: One commenter suggests changes to repair provisions to reduce the number of potential leaks addressed under Delay of Repair provisions and to provide a necessary path for compliance for leaks that are not successfully repaired upon first attempt. The commenter suggested that first attempt at repair should be within 30 days of detection of the fugitive emission, and final repair should be completed and verified no later than 30 calendar days after first attempt at repair has been made.

Response: The Department will not make any amendments based on this comment. The length of time an identified leaking component remains in operation increases the amount of methane emitted from the source and poses a potential health, safety, and environmental threat. Allowing additional time for repair runs counter to the purpose of this regulation, which is to reduce methane emissions.

The regulations adequately provide a path for compliance for any type of leak and specify compliance deadlines based on the nature of the identified leak. The delay of repair provisions provide a compliance option for leaking components that (1) may require specially ordered parts or equipment; (2) may require a blowdown or facility shutdown; or (3) may be unsafe to repair during the operation of the unit. This provision will ensure that all leaks will be addressed in an appropriate, safe, and timely manner without compromising the goal of the regulations.

Comment: One commenter stated that they generally support the proposed delay of repair provision with one exception. Section .03(f) requires a fugitive emissions component on delay of repair to be repaired or replaced within 1 year, at the next vent blowdown or facility shutdown, whichever occurs first. It is conceivable that a facility could have an emergency blowdown while a component on delay of repair is waiting for a part. As proposed, the facility would not be able to return to service until the part was received and the repair completed which could be days or even weeks later, depending on the part. The commenter does not believe this would happen often, but neither does the commenter think it was MDE's intent to place this constraint on operating capacities. As such, the commenter suggests adding the term "planned" before "facility shutdown" to allow for such a situation yet maintain the integrity of the provision.

Another commenter stated that if a repair is technically not feasible, or would require either a vent blowdown or a compressor station shutdown, or if a repair would be pose a safety risk during operation, the repair should be completed during the next scheduled compressor station maintenance shutdown, after a scheduled vent blowdown, or within 2 years, whichever is earlier. Repairs requiring parts to be purchased should be completed and verified no later than 30 calendar days after receipt of purchased parts.

Response: The Department recognizes that logistical difficulties and challenges may occur while trying to repair fugitive emission components under delay of repair. The repair requirement's intent is not to place operational constraints on facilities; for that reason, the Department included language in Regulation .03A(9)(g) which states:

"If a repair of a leak cannot be successfully completed according to this subsection, the owner or operator of the affected facility shall prepare a plan, for Department approval, that includes:

- (i) An explanation of the technical difficulty;*
- (ii) A timeline to successfully repair the fugitive emission components;*
- (iii) A calculation of the additional methane that is expected to be released while on delay of repair; and*
- (iv) Upon written request from the Department, any other information that the Department determines is necessary to evaluate the plan."*

The plan for repair provision in the regulation and quoted above may be utilized for those unique situations where a repair cannot occur to comply with specific LDAR requirements and deadlines.

Comment: One commenter recommends annual leak surveys and repairs. According to the commenter, annual leak detection and repair (LDAR) surveys are an effective means of controlling fugitive emissions from components. An analysis of 15 compressor stations where annual optical gas imaging (OGI) and repairs were implemented per Colorado Regulation 7 LDAR requirements indicated that the average baseline leak rate (in 2015) is 0.13%, which is significantly lower than rates cited by EPA (1.18%) in the NSPS OOOOa Rule preamble. Furthermore, the analysis shows that the overall number of leaking components decreased by 86% (on average) after two years of annual monitoring and repair. More frequent surveys (e.g., quarterly, semi-annual) would be expected to produce only marginally better control of leaking components at a significantly increased cost.

Response: The Department disagrees that annual surveys are more efficient than quarterly monitoring. If LDAR surveys are monitored annually, leaking components that occur after a leak survey may potentially remain undiscovered for up to a year. The unnoticed fugitive emissions would increase the

amount of potent methane released into the atmosphere, and, therefore, poses a potential danger to the climate and public health.

MDE reviewed Compressor Station Fugitive Emissions Monitoring data provided by GPA Midstream¹ along with EPA's subsequent analysis of the data provided by GPA Midstream. Based on MDE's assessment of the data, leak counts and leak percentages reported were inconsistent, changed vastly from survey-to-survey, and fluctuated between higher and lower values. For example, between May 2012 and September 2012, Station 1 of Company 1 had leak rate percentage values of 4.05, 3.01, 6.91, 7.01, and 1.82 respectively². In another example, from January 2015 through June 2015, Site B of Company 2 showed the total number of new leaks found as 23, 4, 3, 8, 2, and 5, respectively³. Thus, while the data revealed an overall downward trend of total leak counts and leak percentage values, the inconsistencies between surveys caution against action to reduce the number of surveys performed. The U.S. EPA's 2014 Greenhouse Gas Inventory indicates that a quarter of the methane emissions from the oil and natural gas industry come from the transmission and storage segments.

Additionally, other data such as the methane leak rate per component and time taken to repair leaking components need to be considered. Less frequent inspections may potentially lead to more leaks, and more leaks translates directly into lost product and more environmental impacts.

EPA's best practices guide⁴ on leak detection and repair notes the importance of timely inspections: "To ensure that leaks are still being identified in a timely manner and that previously unidentified leaks are not worsening over time, implement a plan for more frequent monitoring for components that contribute most to equipment leak emissions". Therefore, the Department intends to maintain the LDAR frequency.

PNEUMATIC DEVICES

Comment: Several commenters support the natural gas-powered pneumatic device control requirements. One commenter stated that the proposed regulations include continuous gas driven pneumatic devices and take the appropriate action to exclude intermittent bleed devices from control or phase-out. The commenter stated intermittent bleed devices are inherently low volume and may rarely actuate but are necessary because they could be a key safety device for closing an important facility and or pipeline valve. The commenter urged MDE to fully consider the EPA's Greenhouse Gas Reporting data as it considers possible alternatives to the proposed regulations.

Response: The Department agrees with these comments. Establishing control requirements for continuous bleed natural gas-powered pneumatic devices is necessary to prevent the venting of methane from these devices. By design, continuous bleed devices continuously vent natural gas into the atmosphere. Other types of non-venting pneumatic devices are available or, as an alternative, continuous bleed devices may be retrofitted to use compressed air or electricity to eliminate the vented emissions. Intermittent bleed devices actuate (open and close) to release gas as designed unlike pneumatic devices that continuously vent. The Department will continue to track emissions data of

¹ GPA Midstream Association Re: GPA Midstream OOOOa White Paper Supplemental Information, March 5, 2018, located at Docket ID No. EPA-HQ-OAR-2017-0483.

² Ibid.

³ Ibid

⁴ Leak Detection and Repair, A Best Practices Guide EPA-305-D-07-001 October 2007

natural gas-powered pneumatic devices and consider regulatory amendments should more efficient, cost-effective alternatives become available.

Comment: Commenters support the proposal to limit the emissions from continuous bleed pneumatic devices, however the commenters believe MDE should include provisions to limit emissions from intermittent bleed devices. According to the EPA’s Greenhouse Gas Reporting Program data, nearly all pneumatic devices reported by facilities are intermittent bleed devices which represents annual emissions of 3,808 metric tons of CO₂e. Other States and Canadian provinces have rules to regulate pneumatics controllers that MDE should consider to adopt.

Response: The Department will not be making any amendments based on this comment. As stated above, intermittent bleed pneumatic devices actuate (open and close) to release gas as designed unlike pneumatic devices that continuously vent. One 2014 EPA study examined pneumatic devices in the natural gas industry and found intermittent bleed devices typically released approximately one half of the emissions that a continuous bleed device would release.⁵ Another report states, “In general, the bleed rate will also vary with the pneumatic gas supply pressure, actuation frequency, and age or condition of the equipment. Due to the need for precision, controllers that must operate quickly will bleed more gas than slower operating devices. The condition of a pneumatic device is a stronger indicator of emission potential than age; well-maintained pneumatic devices operate efficiently for many years.”⁶ The LDAR requirements in the regulations will ensure that maintenance practices are being utilized.

MDE is aware of some Maryland facilities that have recently converted continuous bleed natural gas-powered pneumatic devices to instrument air and electric and, therefore, methane releases are already being minimized through operator best management practices. Individual site conditions will determine whether an air system or electric device is feasible as an alternative to natural gas-powered pneumatics. The Department intends to track these devices and their associated emissions, and may recommend further modifications to the regulation.

Comment: One commenter recommends that the Department remove the requirement to convert all gas-powered pneumatic devices to low bleed in 2022, and then require vapor collection or compressed air / electric - driven controllers in 2023 (going forward) for all pneumatic devices. The commenter believes the requirements are not cost effective, overly burdensome, and, in some cases, not practical to implement.

Response: The Department will not be making any amendments based on this comment. According to the EPA, natural gas-powered pneumatic devices represent one of the largest sources of methane emissions in the natural gas industry. Specifically, the EPA estimates methane emissions from natural gas-powered pneumatic devices to be 14 billion cubic feet per year in the transmission sector.⁷ Addressing methane emissions from these devices is critical for Maryland to achieve its greenhouse gas reduction goals.

Contrary to the commenter’s interpretation of the regulations, *all* natural gas-powered devices will be subject to LDAR beginning in 2021, and only *continuous bleed* natural-gas powered devices are subject to further requirements in subsequent years. Specifically, *continuous bleed* natural gas-powered

⁵ <https://www.ourenergypolicy.org/wp-content/uploads/2014/04/epa-devices.pdf>

⁶ https://www.epa.gov/sites/production/files/2016-06/documents/II_pneumatics.pdf

⁷ https://www.epa.gov/sites/production/files/2016-06/documents/II_pneumatics.pdf

pneumatic devices will be required to convert to low-bleed natural gas-powered pneumatic devices in 2022. In 2023, all continuous bleed natural gas-powered devices will be required to convert to compressed air/electric-driven pneumatic devices or utilize a vapor collection system. The Department understands that technological and practical needs require some high-bleed continuous devices to remain in operation. Therefore, the regulations include an exemption for continuous bleed natural gas-powered pneumatic devices with a low bleed rate that is needed for safety or operational purposes with additional monitoring and recordkeeping requirements.

RECIPROCATING NATURAL GAS COMPRESSORS

Comment: One commenter recommends that MDE remove the requirement contained in §05B(2)(b) that reciprocating natural gas compressors be measured within 7 days of resumed operation if the compressor is not operating on the scheduled test date. The commenter states that the requirement is not feasible and recommends that the Department change the requirement to state: “a measurement must be made once annually, at least 90 days from the last measurement.”

Response: The Department will not be making any amendments based on this comment. The Department included this provision to accommodate situations where vent stack measurements cannot be obtained if compressors remain idle over an extended period. In those cases, the provision specifies that a vent stack measurement should be obtained within seven days of resumed operation, which is a reasonable and sufficient timeframe to do so.

BLOWDOWN REQUIREMENTS

Comment: Several commenters support the proposal to notify the public of blowdown events, however commenters suggest that MDE should lower the threshold for notification. One commenter requests the threshold be lowered from the 1 million cubic feet per event to 10,000 cubic feet of gas released during an event. Additionally, the commenter suggested 20,000 cubic feet or 40,000 cubic feet thresholds. The commenter states that if MDE maintains the extremely high threshold in the Draft Rule, the vast majority of blowdowns—including large events releasing tens of tons of natural gas—will occur without operators notifying neighbors. MDE must set a lower threshold. In addition to methane, vented gas contains volatile organic compounds and hazardous air pollutants such as benzene, toluene, ethylbenzene, xylene, and hexane. Since blowdowns can be such a major source of vented emissions to the atmosphere, the public notification requirement should be tightened to provide fence-line communities with adequate notice and information about these releases.

Response: At the time these regulations were being developed, the Department evaluated blowdown requirements in other jurisdictions and discovered that only one state, Louisiana⁸, had a program with established blowdown notification requirements. At the federal level, the Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) requires the reporting of *unintentional* releases of natural gas.⁹ Research was limited to the federal and state programs publicly available at the time the proposed rules were drafted, and did not reflect federal or

⁸ Louisiana Administrative Code, Title 33, Part III, Section 309.

⁹ 49 CFR Part 191. Note that PHMSA’s requirements do not apply to intentional and controlled releases

state programs that may have been proposed or finalized since that time¹⁰. The Department will review and consider amendments based on the blowdown emission data proposed by the commenter along with blowdown emission reports to be provided by industry.

Comment: Several commenters support the 1 million standard cubic feet blowdown notification threshold.

Response: The Department agrees that the blowdown notification threshold established is appropriate for this regulatory proposal and will consider blowdown emissions data for possible future regulatory amendment.

Comment: One commenter stated that the annual reporting requirements for blowdown emissions use a different standard of measure than what is contained in 40 CFR 98, Subpart W, §98.33. Specifically, the regulations use “scf” while the referenced EPA calculations uses physical volumes of gas which are represented as cubic feet (cf). As such, the commenter suggest amending Regulation .07B(7) to read “Affected facilities shall report the following information to the Department of blowdown emissions in excess of 50 standard cubic feet within the facility’s fence-line annually by April 1 of each year:..”.

Response: The Department agrees and will be making the suggested amendment. The Department’s goal for the annual blowdown reporting provision is to maintain consistency with the reporting format required by the Greenhouse Gas Reporting Rule (40 CFR 98, Subpart W). The Department will amend the definition of blowdown in Regulation .07B(7) in a non-substantive change with final adoption, to read as follows:

Regulation .07B(7) Affected facilities shall report the following information to the Department of blowdown emissions in excess of 50 ~~standard~~ cubic feet within the facility’s fence line annually by April 1 of each year: (a)- (c) text unchanged

This amendment is consistent with the intent of the regulation.

Comment: One commenter stated that the blowdown notification plan provisions lack specific timeframes and expectations which creates compliance uncertainty. Further, the commenter was troubled by the lack of detail for the blowdown notification plan approval process and time allotted for implementation. The commenter suggests that MDE either require operators to submit their blowdown notification plan for review rather than approval, or offer an enforcement shield. Additionally, the commenter suggests 90 days for an approved blowdown notification plan to be implemented.

Response: The regulatory language specifies that owners and operators of natural gas facilities subject to these regulations will have 90 days to submit a blowdown notification plan to the Department. After a blowdown notification plan is submitted, the Department will review the plan to ensure that the following are included, as specified in Regulation .07B(2)(a)-(d):

¹⁰ After establishing the proposed standards, the Department received information of another state permit with a lower blowdown reporting threshold from the Environmental Integrity Project on February 12, 2020.

(a) The notification format (for example, website, email, robocall, text message, social media announcement, etc.) to local authorities, the Department, and interested parties for blowdown emissions in excess of 1,000,000 standard cubic feet;

(b) A public outreach plan to inform interested parties of the availability to be notified of blowdown events in excess of 1,000,000 standard cubic feet;

(c) The affected facility's responsible personnel for blowdown notifications; and

(d) A sitemap of the facility with clearly marked designated area(s) for blowdown emissions in excess of 1,000,000 standard cubic feet.

Upon review of the blowdown notification plan, the Department will notify the affected source whether the plan is approved, requires amendment, or requires any additional information or clarification. The Department intends to work with the affected sources and stakeholders to facilitate a plan that is informative but not overly burdensome.

Comment: One commenter expressed concern for the 1-hour deadline to report unplanned or emergency blowdowns. The commenter stated that blowdowns may occur at any time of the day or night and there are facilities that are unmanned during a portion of the time. If an unplanned blowdown occurs while the facility is unmanned, a gas control operator in another state may be aware of the event, but not the magnitude, at least not immediately. The true magnitude of the event may not become known until a facility operator arrives on scene to evaluate the blowdown and make the appropriate notifications. While a response happens as quickly as possible, it is unlikely that it can be done within the 1-hour window. In the case of an emergency blowdown, the same logistical considerations apply but the situation is exacerbated by the need to first assess and stabilize the abnormal or unexpected situation. To ensure an operator can reasonably comply with the regulation, the commenter suggests MDE require notification within 6 hours once the quantity of the blowdown is known.

Response: The Department does not believe any amendment is required based on this comment. The foremost objective of the blowdown notification requirement is to provide opportunity for the public to be notified whenever significant blowdown events occur. And though the prescribed blowdown notification threshold in the regulation is established at 1 million standard cubic feet (scf), the regulation does not require that owners and operators notify the public of the specific quantity of natural gas that will be released during the blowdown event. Nothing restricts owners and operators from reporting blowdown events to the public below the established threshold; owners and operators may notify the public to err on the side of caution in situations where an emergency or unplanned blowdown must occur during a time when a facility operator is not present and specific blowdown emission quantities are unknown.

The regulations require a 1-hour notice for unplanned or emergency events. Technological advances in telecommunication provide owners and operators the ability to make appropriate notifications without being physically present at the facility. Furthermore, for emergency situations, Regulation .07B(6) states: "When safety concerns preclude a facility from providing prior notification of an emergency or unplanned blowdown...the facility shall send notice to the Department within 24 hours of the blowdown event indicating the reason(s) why prior notice was not possible." The Department recognizes that some unique emergency blowdown situations that threaten the safety of facility personnel may occur and, therefore, allow a 24-hour notification window for those safety situations.

Comment: One commenter stated that they recognize the value of the blowdown notification system and fully support providing the public with the information requested. However, the commenter does not believe operators have the capacity to identify all "interested parties" and, therefore, should not be responsible to do so. Also, each facility plan will have a unique structure and pathway for making the information available that may be confusing and difficult for the public to navigate.

Response: The Department agrees that a notification system for the public presents a valuable platform for the public to receive information on environmental events that may affect local activity. The regulations require affected facilities to develop a public outreach notification plan that informs interested parties (e.g. community associations, environmental organizations, local citizens, public safety administrations) of the availability to be notified about blowdown events in excess of 1,000,000 standard cubic feet; however, the Department does not expect the onus for identifying interested parties fall solely on owners and operators of affected facilities. The affected facility is responsible for creating and implementing an effective public notification system which can be accomplished in several ways including a website announcement, newspaper ad, or existing public communication channels. Additionally, the Department is aware of one community group¹¹ which has been active through the rulemaking process. Affected sources may consider partnering with this community group to determine an effective and efficient method to disseminate information through the group's leadership team and representatives. Coordinating with other established public safety organizations may provide a useful facilitation resource for the notification plan. To reiterate, the means to achieve the required public notification system is left to the affected facility's discretion.

Comment: One commenter suggests the Department utilize a better communication notification mechanism that is practical, impartial, consistent, easily accessible, and effective and states that such systems already exist. For example, SARA Title 111, the Emergency Planning and Community Right-to-Know Act (also known as the Community Right to Know Act), established a framework for state and local chemical release planning and preparedness. The commenter believes that a centralized information clearinghouse has proven to be efficient and effective and the commenter strongly believes that both the regulated community and the public would be similarly best served if MDE were to maintain a single impartial public website that operators post information to and the public could subscribe to receive notifications from any or all regulated facilities.

Another commenter suggested that the requirement to post a "quarterly report summary" of each LDAR survey, including the reporting elements of §07(A)(1)(a), on a publicly available website is overly burdensome, provides no environmental benefit, and should be removed.

Response: The Department recognizes the value of a centralized information clearinghouse for public access in certain situations. The foremost objective of the requirements is to provide opportunity for the public to be notified whenever significant blowdown events occur and the status of any major leaks found during a quarterly inspection. The information to prepare a blowdown notification and LDAR plan will be developed by the facility owners or operators who are in the best position to ensure effective distribution of the notification and plan.

Community members whose homes and activities surround a natural gas facility, as well as environmental advocacy organizations, expressed interest in receiving summarized LDAR reports. The

¹¹ Community of Communities. <https://www.facebook.com/MDCCommunityofCommunities/>

Department believes that LDAR information posted to public websites provides information useful to citizens who are interested in climate impact awareness.

The examples provided by the commenters will be helpful in developing a public notification plan. The Department is aware of two processes that one or more Maryland affected facilities already have established for public notification. One is an operations notification to the local fire department and another is an informational email sent to the public and periodically updated during construction. The Department intends to work with the affected sources and stakeholders to facilitate a plan that is informative but not overly burdensome and these examples for useful.

REPORTING

Comment: One commenter requested clarification on the mechanism for submitting electronic reports to the Department.

Response: Affected facilities should work with their Air and Radiation Compliance Program contact to determine an acceptable platform for electronic reporting submittal.

Comment: One commenter suggests that information from the annual leak survey should be reported to MDE by April 1 and not 60 days after the leak survey.

Response: The Department will not make any amendments based on this comment. The proposed regulations serve a two-fold purpose: (1) to reduce vented and fugitive emissions of methane from both new and existing natural gas and LNG facilities; and (2) to provide the Department and nearby community members with information concerning fugitive emissions activity. To fulfil these goals, the regulations require quarterly leak surveys for most affected sources, followed by posting a summary of the leak survey to a publicly available website and submittal of leak survey information to the Department.

ENVIRONMENTAL JUSTICE

Comment: Several commenters encourage MDE to add a provision to its draft rule to ensure that environmental justice concerns are addressed in the siting of any facilities in Maryland and recommend looking to Virginia as a good example. Virginia's law requires the state environmental agency to consider the suitability of the activity to the area in which it is located. Commenters believe that the Environmental Article, Section 2-301, of the Annotated Code of Maryland authorizes MDE to issue a regulatory provision that requires analysis of the impacts from natural gas infrastructure on vulnerable communities in siting decisions for new facilities.

In addition, the commenter states that three Maryland agencies, including MDE, recently entered into an informal resolution agreement as a result of a complaint brought by groups under the Civil Rights Act after the state approved yet another gas-fired facility in Brandywine, a predominantly black community already overburdened by local sources of pollution. This agreement formally recognized that MDE has an affirmative obligation to not only eliminate discrimination in their organizational processes but to also proactively prevent discrimination.

Response: The Department is undertaking a new and robust Department wide review of how to incorporate Environmental Justice into Departmental policies and permits. Based on the outcome of this

review, the Department will consider adding language to this proposed regulation or future amendments to address issues of Environmental Justice.

INCORPORATION BY REFERENCE

Comment: Several commenters recommend modifying the incorporation by reference citation of Cove Point’s leak detection and repair plans. According to the commenters, the regulations do not comply with the statutory requirements that govern incorporation by reference in a regulation. Most notably, the Draft Rule does not fix the relevant version of either of the two plans by “edition number, year, or other specific indication of the version being adopted,” as required by § 7-207 of the State Government article of the Maryland Code. To bring the regulations into compliance with the statute, MDE should fix the Import and Export LDAR Plans to their present versions to prevent the prospective incorporation of any future changes to the plans. The term “as amended” should be removed from the provision.

Response: The Department does not agree with the suggested changes for several reasons. The Department has taken careful consideration not to duplicate efforts at the Cove Point facility as there are established procedures to address LDAR under two existing processes. The Department has determined that the existing LDAR processes are appropriate and protective for LDAR detection at the Cove Point facility.

The regulation is not incorporating by reference the LDAR plans. Rather, the regulation cites the existing LDAR requirements that the Cove Point facility are required to follow. These requirements have been established through regulation and the Public Service Commission (PSC) authority to issue a Certificate of Public Convenience and Necessity (CPCN).

Both the CPCN LDAR plan and the Climate Action Plan GHG Monitoring LDAR plan may be amended if the Department or the Cove Point facility deems necessary. The Department must approve any amendments and will evaluate proposed amendments based on its ability to minimize fugitive emissions. The Department would not propose/approve amendments to the LDAR plans that do not conform with the environmental protection goals of the State. Leaving the citations open allows more flexibility that will have the effect of strengthening requirements.

The Department has made the current LDAR plans available to the public at the following website: <https://mde.maryland.gov/programs/Regulations/air/Pages/ARMARegulationsStakeholders.aspx> Any future amended and approved revisions to the plans will be available.

Attachment A – Hearing Attendees

Virtual Public Hearing for Methane Control in Natural Gas Attendees

Meeting Date	Meeting Duration	Number of Attendees
August 31, 2020 9:28 AM EDT	69 minutes	32

Details

Name

Meeting Attendee 1	Randy Mosier
Meeting Attendee 2	Rob Wald
Meeting Attendee 3	Ruth White
Meeting Attendee 4	Ryan Maher
Meeting Attendee 5	Sharon Davlin
Angela Beeson	Susan Olsen
Anthony Field	Theresa King
Barry Goodrich	
Carolyn Jones	
Christopher Cook	
David McCabe	
Eddie Durant	
George Anas	
Joseph Pietro	
Joshua Shodeinde	
Karen Willoughby	
Kim Drake	
Leah Kelly	
Lisa Beal	
Liz F	
Maryland Department of the Environment	
Megan Roberts-Satinsky	
Michael Hahn	
Mili Patel	
Pagona Papageorgiou	